

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 14 are pending in the application and the Examiner rejected all claims.

Claim Objections

On page 2 of the Office Action, the Examiner objected to claims 1, 5-8, and 11-13 for various informalities. Applicant has amended these claims in accordance with the Examiner's requirements.

Claim Rejections, 35 U.S.C. §102

On page 3 of the Office Action, the Examiner rejected claims 1, 2, 6, and 8-10 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,796,827 to Coppersmith. On page 5 of the Office Action, the Examiner rejected claims 1, 2, 6, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,765,471 to Baudard et al. On page 6 of the Office Action, the Examiner has rejected claims 1-7 and 11-14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,856,804 to Ciotta.

U.S. Patent No. 5,796,827 to Coppersmith

Coppersmith et al. (U.S. 5,796,827) is directed to a system for controlling access to a building, such as one containing an ATM (automatic teller machine), i.e., it does not relate to access and control of a vehicle. A card 5 carried by a user contains transmitter electrode 16 for transmitting an ID signal to the ATM, this ID signal identifying the card and allowing the ATM to authenticate it for use.

In Figure 3 and the discussion thereof beginning in column 8 and carrying over to column 9, a wake-up circuit 28 in the ATM generates a signal to the card 5, causing a power-save function on the

card to be disengaged. Card 5 does include a receiver 30 utilized for receiving a wake-up transmission from the ATM, but this wake-up receiver 30 is not activated or deactivated in connection with the power-save mode, rather, it must be active at all times to be available to receive the request from wake-up transmitter circuit 28 of the ATM.

U.S. Patent No. 6,765,471 to Baudard et al.

Baudard et al. (U.S. 6,765,471) teaches a device for improving the security of an access system for a motor vehicle. The system of Baudard includes a user-carried identifier. An inhibit signal is emitted by an identification means located within the vehicle and this inhibit signal is used to inhibit certain identifiers (those present within the cabin) with respect to unlocking and/or starting of the vehicle. Nothing is discussed regarding a battery saving mode and the inhibit signal goes from the identification means in the vehicle towards the identifier 9. There is not a receiving circuit on the identifier 9 that is inactivated in any situation.

U.S. Patent No. 6,856,804 to Ciotta

Ciotta (U.S. 6,856,804) teaches a wireless communication network providing power status for mobile stations served by the wireless communications network. In the invention of Ciotta, a handheld device, e.g., a cell phone or PDA, sends a power-on or power-off message to advise the network of its on or off status. No control of power for battery saving purposes is discussed. The only disablement of power in Ciotta involves the handheld user manually powering on or powering off the handheld device.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

The elements of claim 5 have been incorporated into claim 1, whereby the portable device includes a receiving circuit for receiving a signal from the communication controller, with the portable device inactivating the receiving circuit when the portable device is in the disablement mode. A similar amendment was made to claim 11. Additional amendments have been made to recite that the portable device includes the selection device and the recognition information providing device, and that the recognition information includes one of a communication mode signal and a disablement mode signal.

None of Coppersmith et al. (U.S. Patent No. 5,786,827), Baudard et al. (U.S. Patent No. 6,765,471), and Ciotta (U.S. Patent No. 6,856,804) disclose that the portable device includes a receiving circuit which receives a signal from the communication controller, the portable device inactivating the receiving circuit when the portable device is in the disablement mode, and the recognition information includes one of a communication mode signal, which indicates the communication mode, and a disablement mode signal, which indicates the disablement mode, as

recited in each of amended claims 1 and 11. These claimed elements are supported by the description at page 11, lines 19-33 and page 12, line 30 to page 13, line 2 of the present specification.

Since each of these elements are specifically recited in the amended claims, and since none of the prior art teaches or suggests these claimed elements, the claimed invention patentably defines over each of the cited references.

Accordingly, each of the independent claims, and all claims depending therefrom, patentably define over Coppersmith, Baudard and Ciotta and are in condition for allowance.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

March 26, 2007
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